

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

ANDREA O’ROURKE INDIVIDUALLY  
AND ON BEHALF OF SIMILARLY  
SITUATED INDIVIDUALS,

Plaintiffs,

v.

LANDRY’S CRAB SHACK, INC. d/b/a  
BOARDWALK INN,

Defendant.

Civil Action No. 3:20-cv-00271

**JOINT MOTION TO STAY AND MOTION TO COMPEL ARBITRATION**

Plaintiff Andrea O’Rourke and Defendant Landry’s Crab Shack, Inc. d/b/a Boardwalk Inn move to stay and compel arbitration in accordance with the terms of a mutually binding arbitration agreement between the parties.

**I.**

**INTRODUCTION**

Plaintiff filed suit against her former employer, Landry’s Crab Shack, Inc. d/b/a Boardwalk Inn, on August 21, 2020. Plaintiff asserts claims under the Fair Labor Standards Act (“FLSA”).

After Plaintiff filed suit, Defendant’s counsel notified Plaintiff’s counsel of the arbitration agreement and Defendant filed its Motion to Dismiss and Compel Arbitration (“Motion”) on September 17, 2020. On October 8, 2020 Plaintiff filed a Response in Opposition to Defendant’s Motion to Dismiss and Compel Arbitration.

Rather than prolong this lawsuit, the parties have come to an agreement to submit the claims asserted in this lawsuit to arbitration. Accordingly, this lawsuit should be stayed while the parties arbitrate this dispute.

**II.**

**MOTION TO STAY AND COMPEL ARBITRATION**

Plaintiff and Defendant request that the Court enter an order staying this action and permit arbitration. Entering a stay operates to preserve the status of limitations application to Plaintiff's claims.

For these reasons, the parties pray that their Motion to Stay and Motion to Compel Arbitration be granted, that this case be stayed pending the parties' participation in arbitration, and for such other relief, in law or in equity, to which the parties may be justly entitled.

Respectfully submitted,

**TRAN LAW FIRM**

/s/ Trang Q. Tran

Trang Q. Tran  
Federal I.D.: 20361  
Texas Bar No. 00795787  
trang@tranlf.com  
service@tranlf.com  
2537 S. Gessner, Suite 104  
Houston, Texas 77063  
(713) 223-8855 - Telephone

**ATTORNEY FOR PLAINTIFF**

**OGLETREE, DEAKINS, NASH, SMOAK  
& STEWART, P.C.**

/s/ James T. McBride

Jonathan C. Wilson  
Texas Bar No. 21702525  
jonathan.wilson@ogletree.com  
James T. McBride  
Texas Bar No. 24098061  
james.mcbride@ogletree.com  
8117 Preston Road, Suite 500  
Dallas, Texas 75225  
(214) 987-3800 - Telephone  
(214) 987-3927 - Facsimile

**ATTORNEYS FOR DEFENDANT  
LANDRY'S CRAB SHACK INC. d/b/a  
BOARDWALK INN**

**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing to all counsel registered in this case.

/s/ Trang Q. Tran

Trang Q. Tran